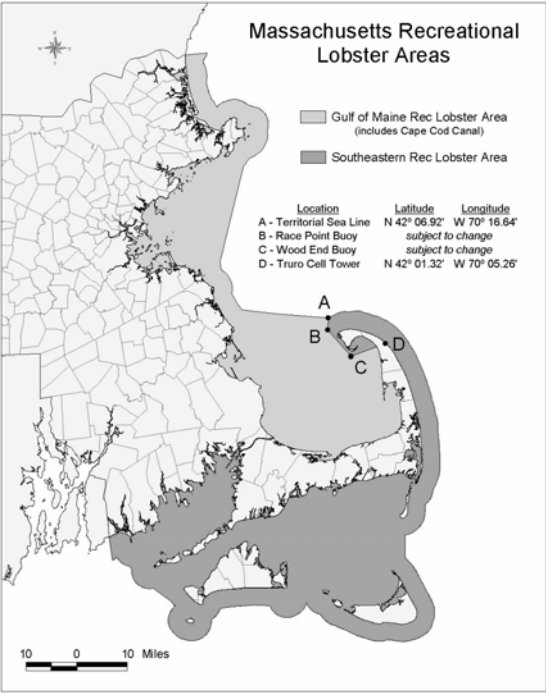


MASSACHUSETTS DIVER INFORMATION

**Coastal Waters Under the Jurisdiction of the Commonwealth:** All the waters within the rise and fall of the tide extending out to three miles from an established coastal baseline and all the waters of Massachusetts Bay, Cape Cod Bay, and Nantucket Sound. It does not include the waters within or above any fish ladder or dam, or the waters above any tidal bound established by DEP in streams flowing to the sea.

**Gulf of Maine Recreational Lobster Area** means those state waters north of Cape Cod Bay to the New Hampshire border including waters of the Cape Cod Canal but not those waters within the Southeastern Recreational Lobster Area.

**Southeastern Recreational Lobster Area** means those state waters south and east of Cape Cod including waters of Buzzards Bay, Vineyard Sound, Nantucket Sound. In addition this Area further includes certain waters with the town of Provincetown and Truro shoreward of a line drawn from the territorial seas line northwest of race Point at 42 degrees 7 minutes latitude and 70 degrees 16 minutes longitude south to the Race Point Buoy then southeast to the Wood End Buoy and east to the shoreline at 42 degrees 01.32 minutes latitude and 70 degrees 05.26 minutes longitude.



**Diver access to Commonwealth Tidelands - Massachusetts General Law, Chapter 91, Section 10D.** No person shall be denied access during daylight hours to Commonwealth tidelands across any land available to the public for swimming or recreation which is owned or controlled by the Commonwealth or any of its political subdivisions for the purpose of SCUBA diving or skin diving which activities are hereby declared to be water dependent uses; provided,

however, that if such tidelands are at any time closed to access by the general public, such access by such SCUBA diver or skin diver shall not be permitted.

**Dive FLAG - Massachusetts General Law, Chapter 90B, Section 13A.** Every scuba diver or group of scuba divers while swimming on or under the surface of the waters of the Commonwealth shall display for each diver or group of divers as a warning device to boat operators, a diver's flag, so called, constructed of rigidly supported material at least twelve inches by fifteen inches in area of red background with a white diagonal stripe. Such diver's flag shall be displayed on a boat or surface float and shall extend a minimum distance of three feet from the surface of the water. Divers shall remain in an area within one hundred feet of such displayed diver's flag while at or near the surface of the water. A boat operator within sight of a diver's flag shall proceed with caution and within a radius of one hundred feet of such flag shall proceed at a speed not to exceed 3 miles per hour.

FISHING FOR LOBSTER & CRABS

**PERMITS & CONDITIONS** - A non-commercial lobster permit endorsed for diving is required of all individuals who recreationally dive for lobster in coastal waters. It also allows the holder to take edible crabs. No permit is required to take edible crabs (includes blue crab) for use by immediate family, provided that the number of crabs does not exceed fifty (50) in one day and that no pots or traps are used. Annual catch reports are required of all non-commercial lobster permit holders. These forms are provided by DMF and are also available online at [www.mass.gov/marinefisheries](http://www.mass.gov/marinefisheries). Renewal licenses will not be issued until a catch report has been filed.

To sell lobster, a commercial lobster permit is required; *MarineFisheries* is currently not issuing new commercial lobster permits.

TAKING OF LOBSTERS & CRABS

	Lobster <sup>(2)</sup>			
		Edible	Gulf of Maine	Southeastern
	<u>Blue Crab</u>	<u>Crabs</u>	<u>Recreational</u>	<u>Recreation</u>
<u>Closed Season</u>	1/1 – 4/30	1/1 – 4/30	<u>Lobster Area</u>	<u>Lobster Area</u>
<u>Minimum Size</u>	4 1/8" <sup>(1)</sup>	---	3 1/4"	3 3/8"
<u>Maximum Size</u>	---	---	5"	---
<u>Possession</u>				
<u>Limit</u>	---	---	15 per day	

<sup>(1)</sup> Blue crabs are measured across the shell from tip to tip of the posterior most, longest spines along the lateral margins of the carapace.  
<sup>(2)</sup> Carapace length is measured from the rear of eye socket parallel to the center line of the body shell. Divers are required to measure all lobsters in possession prior to surfacing.

Mutilation of any lobster which affects its measurement or the possession of lobster parts shall be *prima facie* evidence that the lobster was less than legal minimum size.

**GEAR MARKING** - Divers must display their assigned number upon their air tank and a floating marker (upright single panel, at least 12" x 12", white background, black numerals at least 3" high, ½" in thickness or width of line on both sides of the marker). A group of divers may use only one floating marker listing the license number of each diver in the group.

**PROHIBITIONS** - It is illegal for anyone, except the owner, to handle, destroy or molest any lobster or crab pot or other fishing gear, including any gear swept upon the shore, beaches or flats whether public or private, or to take fish there from.

Taking of lobsters and crabs from one-half hour after sunset to one-half hour before sunrise is strictly prohibited.

Spearing, dipping or dragging for lobsters is prohibited.

Removal of eggs from lobsters is prohibited. Egg-bearing lobsters or lobsters from which eggs have been removed must be immediately returned alive to the waters from which taken.

**LOBSTER V-NOTCH REGULATIONS** - Non-commercial fishermen fishing, transiting, or landing lobster in the **Gulf of Maine Recreational Lobster Area** are required to release any female lobster bearing a v-shaped notch of any size with or without setal hairs.

Non-commercial fishermen fishing, transiting, or landing in the **Southeastern Recreational Lobster Area** are required to release any female lobster bearing a straight-sided triangular cut without setal hairs at least one-quarter inch in depth and tapering to a sharp point.

The right flipper will be examined when the underside of the lobster is down and its tail is toward the person making the determination.

V-notched female lobsters must be immediately returned alive to the waters from which taken.

It is unlawful for any person to possess a female lobster that is mutilated in a manner that could hide, obscure or obliterate such a mark.

RECREATIONAL DIVING FOR SHELLFISH & SEA URCHINS			
Species	Closed Season	Limit	Min. Size
Bay Scallops	4/1-10/1	Consult town rules	Well defined growth
ring			
Conchs	---	---	2¾" width
Oysters	---	---	3"
Soft-shell Clams	---	---	2"
Sea Scallops	---	1 Bu/day with shells or 4 quarts of shucked meat	3½" ht
Surf Clams	---	---	5"
Quahogs	---	---	1" thickness
Sea Urchins	---	---	2" excludes spines

**PERMITS & REGULATIONS** - The taking of shellfish is subject to the control of the cities and towns. Consult local authorities for regulations and permits. *MarineFisheries* has authority to regulate surf clams, ocean quahogs, and shellfish taken from contaminated areas. A special regulated fishery permit is required for harvesting surf clams, ocean quahogs and sea urchins for commercial purposes.

To sell shellfish, an individual must possess a town/city commercial shellfish permit, a state commercial fisherman permit endorsed for shellfish, and a shellfish ID card issued by the Division of Marine Fisheries.

Recreational diving for conch and sea scallops in state waters is allowed without a permit, but check with town regulations. If harvesting sea scallops in a contaminated area, they must be shucked at sea.

A commercial permit endorsed for scallop diving must be obtained for any diver taking sea scallops for commercial purposes or for those exceeding the recreational bag limit. Every diver aboard a vessel where the amount of scallops present exceeds the recreational bag limit must be commercially permitted. These permits are not available to non-residents unless their state allows similar access to Massachusetts residents to sea scallop dive fisheries.

SPEARFISHING				
Species	Note	Closed Season	Limit	Min. Size
Black Sea Bass		*1/1 - 5/9 9/8 – 9/21	*20	12”
Bluefish		---	*10	---
Atlantic Cod	1	---	10	22”
Dabs		---	---	14”
Eel	2	---	*50	6”
Grey Sole		---	---	14”
Haddock		---	---	19”
Monkfish		---	---	19”†
Pollock		---	---	---
Redfish		---	---	9”
Scup	3	*10/7 - 12/31	*40	10”
Summer Flounder	4	---	*7	*16½”/14”
Tautog	Closed Commercially 11/1-4/15 & 5/16-7/10		*3/40	16”
Weakfish		---	*10	16”
Windowpane		---	---	12”
Winter Flounder	5	---	*8 *3 (3/1-4/30)	12”
Yellowtail Flounder		---	---	13”

\* - refers to recreational fishing only  
† - 11" minimum size for tails if landed separately

Finfish are measured as the greatest **straight** line (not curved over the body) length in inches as measured on a fish with its mouth closed from the anterior tip of the jaw or snout to the farthest extremity of the tail. For fish with forked tails, the upper and lower fork may be squeezed together to measure the tail extremity. Exception for black sea bass where the tail filament is not included.

- (1) Consult NOAA Fisheries web site at [www.nero.noaa.gov/nero](http://www.nero.noaa.gov/nero) for possession limits for party/charter boats fishing the EEZ.

- (2) Subject to regulation by *MarineFisheries* and local community. Consult local regulations.
- (3) Scup has a recreational limit of 40 fish per angler with a maximum of 80 fish per private vessel with two or more fishermen on board. Anglers on board party/charter boats are allowed 100 scup per angler from May 1 - June 30, 2004, only.
- (4) Summer flounder has varying commercial possession limits, see 322 CMR 6.28 for details.
- (5) Mount Hope Bay & its Tributaries: winter flounder can not be taken commercially at any time or recreationally during 5/20 - 9/27 & 10/29 - 4/12. Recreational fishermen may possess no more than four winter flounder during 4/13 - 5/19 & 9/28 - 10/28.

**PERMITS** - No permit is currently required for recreational spearfishing. However, a commercial rod & reel permit allows the holder only, to catch and sell finfish (to a licensed dealer) caught by rod & reel or diving. No other gear types may be used.

**DMF TAGGING PROGRAMS** - Periodically *MarineFisheries* conducts tagging studies of a particular finfish species to develop a better understanding of local movements, habitat preference, migration, growth, and general abundance. The diver/angler plays a significant role in retrieving valuable data. Carefully examine your catch for tags. If found, record the tag number if returning fish to water, or snip off the tag if keeping fish. Contact the address printed on the tag and you will be briefed on the tagging study and may even receive a reward. Recently, snapper bluefish, striped bass, winter flounder, cunner, lobster and black sea bass have been tagged in our waters.

MASSACHUSETTS DIVISION OF MARINE FISHERIES FACILITIES	
Division Headquarters 251 Causeway Street, Suite 400 Boston, MA 02114 (617) 626-1520	South Shore Office 50A Portside Drive Pocasset, MA 02559 (508) 563-1779
Annisquam River Station 30 Emerson Ave Gloucester, MA 01930 (978) 282-0308	Martha's Vineyard P.O. Box 9 Vineyard Haven, MA 02568 (508) 693-0060
Shellfish Purification Plant Plum Island Newburyport, MA 01950 (978) 465-3553	<b><u>Environmental Law Enforcement</u></b> Hewitts Cove - (617) 727-0082 Radio Room - (617) 626-1665 N.Coastal Bureau - (617) 283-7764 <b>TOLL FREE - 1-800-632-8075</b>

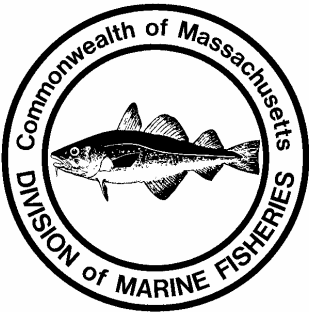
This pamphlet contains abstracts of some of the laws of interest to divers who utilize Massachusetts coastal waters. For more detailed information see Chapter 90b, 91, and Chapter 130 of the Massachusetts General Laws and Code of Massachusetts Regulations, Title 322.

The rules and regulations contained in this abstract are subject to change without notice. Contact DMF for current regulations.

***Commonwealth of Massachusetts***

**Abstract of  
*MarineFisheries* Regulations for  
SCUBA Divers**

**as of July 2004**



**Paul J. Diodati, Director**

**Mitt Romney, Governor**

**Kerry Healey, Lieutenant Governor**

**Ellen Roy Herzfelder, EOEA Secretary**

**David M. Peters, Commissioner**